(b) if so, the details thereof and by when it is expected to be brought in Parliament for consideration;

(c) the percentage of votes needed to win an election; and

(d) how the expenditure shall be borne by Union Government if the first winner gets one or two per cent less votes?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) The subject of electoral reforms has been drawing the attention of the Government continuously. The process of reforms/changes of electoral laws and other related matters is a continuous and ongoing process and can be carried out only through consensus among the political parties. In July, 2004, the Election Commission of India forwarded to the Government a set of 22 proposals on electoral reforms. While these proposals were under examination of the Government, the Chairman, Rajya Sabha referred the subject of electoral reforms to the Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for examination and report. The matter is receiving the attention of the Committee.

(c) and (d) There is no provision in the election laws of the country either in respect of requirement of any minimum percentage of votes needed to win an election or in respect of any expenditure to be borne by the Union Government if the first winner gets one or two per cent less votes.

Pending civil cases

†1400. SHRI PYARELAL KHANDELWAL:
SHRI MOTILAL VORA:
MS. SUSHILA TIRIYA:
SHRI KALRAJ MISHRA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that more than 50 lakhs civil cases are pending in various courts of the country;

(b) if so, the details thereof, State-wise;

(c) the reasons for pendency of so many cases;

† Original notice of the question was received in Hindi.

(d) whether Government are formulating any action plan for making judiciary accountable to public;

(e) if so, the details thereof;

(f) whether Central Government would extend any assistance/advice to the States for early disposal of the pending cases; and

(g) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) Yes, Sir.

(b) The details of civil cases pending in various Courts of the country, State-wise, are enclosed as Statement I and II (See below).

(c) Among others, following reports of various Committees and Law Commission of India have highlighted the causes of pendency of cases in courts:—

i. Law Commission of India (1958):" The fourteenth Report on Reform of Judicial Administration".

ii. Government of India (1972): " Report of High Court Arrears Committee".

iii. Law Commission of India (1979): " The Seventy Ninth Report on delays and arrears in High Courts and other appellate courts."

iv. Government of India (1990): " Report of the Arrears Committee (Malimath Committee Report)".

Over all, the factors identified as leading to pendency of cases are given in the enclosed Statement-Ill *(See* below).

(d) No, Sir.

(e) Does not arise.

(f) & (g) Matters pertaining to disposal of cases pending in the courts is in the domain of the Judiciary. In so far as filling up of vacant posts of judicial officers that would facilitate disposal of cases, the Central Government has already written to the Chief Ministers of all States. Further, the Central Government has extended the scheme of operation of Fast Track Courts for a further period of 5 years from 1.4.2005 and is extending Central assistance to the States for this purpose.

Statement-I

Pendency position of civil cases in District and Subordinate Courts

SI.No.	Name of States/UTs	As on	Civil cases
1.	Andhra Pradesh	31/12/05	494293
2.	Arunachal Pradesh	31/12/05	847
3.	Assam	31/12/05	49633
4.	Bihar	30/06/05	230159
5.	Chhattisgarh	30/06/05	49557
6.	Goa	31/12/05	20644
7.	Gujarat	30/06/05	783662
8.	Haryana	31/12/05	202525
9.	H.P.	31 /12/05	64336
10.	J&K	30/12/04	48132
11.	Jharkhand	30/06/05	52709
12.	Karnataka	31/12/05	577958
13.	Kerala	31/12/05	418592
14.	Madhya Pradesn	31/12/05	194240
15.	Maharashtra	31/12/05	748760
16.	Manipur	31/12/05	3304
17.	Meghalaya	31/12/05	4193
18.	Mizoram	30/06/05	1935
19.	Nagaland	31/12/05	1018
20.	Orissa	30/06/05	177094
21.	Punjab	31/12/05	247927
22.	Rajasthan	31/12/05	293220
23.	Sikkim	31/12/05	209
24.	Tamil Nadu	31/12/04	383684
25.	Tripura	31/12/05	6983
26.	Uttar Pradesh	31/12/05	1188440
27.	Uttaranchal	31/12/05	26222
28.	West Bengal	31/12/05	512947
29.	A & N Island	31/12/05	1291
30.	Chandhgarh	31/12/05	20472
31.	D & N Haveli	30/06/04	550
32.	Daman & Diu	30/06/04	752

SI.No.	Name of States/UTs	As on	Civil cases
33.	Delhi	31/12/05	129248
34.	Lakshadweep	30/06/04	75
35.	Pondicherry	31/12/04	7976
	TOTAL:		6943587

Statement-Il

Pendency of Civil Cases in High Courts

SI. No.	Name of the High Court	As on	Civil cases
1.	Allahabad	30.6.06	584499
2.	Andhra Pradesh	31.12.05	141249
3.	Bombay	31.12.06	320840
4.	Calcutta	30.06.06	227485
5.	Delhi	30.05.06	95589
6.	Gujarat	31.12.05	100488
7.	Gauhati	30.06.06	52418
8.	Himachal Pradesh	30.06.06	19034
9.	Jammu & Kashmir	31.12.05	39529
10.	Karnataka	31.12.05	73157
11.	Kerala	31.12.05	109316
12.	Madras	31.12.05	334383
13.	Madhya Pradesh	31.12.05	130259
14.	Orissa	31.12.05	186113
15.	Patna	31.12.05	66549
16.	Punjab & Haryana	31.12.05	201151
17.	Rajasthan	31.12.05	158318
18.	Sikkim	30.06.06	47
19.	Uttaranachal	30.06.06	31518
20.	Chhattisgarh	31.12.05	49521
21.	Jharkhand	30.06.06	25665
	TOTAL:		2947128

Statement-III

Factors identified as leading to pendency of cases

i. Population and Litigation Explosion.
ii. Granting of unnecessary adjournments.
iii. Lack of priority of disposal of old cases.
iv. Additional burden on account of Election Petitions.
v. Accumulation of First appeals.
vi. Continuance of the ordinary original civil jurisdiction in some of the High Courts.
vii. Inadequacy of Judge strength.
viii. Delays in filling up of vacancies in the High Courts.
ix. Inadequacy of staff attached to the High Courts.
x. Unsatisfactory appointment of judges.
xi. Inadeauacy of accommodation.
xii. Failure to provide adequate forums of appeal against quasi judicial orders.
xiii. Inordinate concentration of work in the hands of some members of the Bar.
xiv. Lack of Punctuality of judges.
xv. Civil Revisions-Indiscriminate exercise of jurisdiction.
xvi. Second Appeals - ignoring the limitations on exercise of jurisdiction.
xvii. Long arguments and prolix judgments.
xviii. Unsatisfactory selection of Government Counsel.
xix. Lawyers not appearing in courts due to strikes etc.
xx. Hasty and imperfect legislation.
xxi. Plurality of appeals and hearing by Division Bench.
xxii. Inordinate delay in the supply of certified copies of judgments/ orders.
xxiii. Indiscriminate report to writ jurisdiction and PIL.
xxiv. Letters Patent Appeal.
xxv. Inadequacy in classification and grouping of cases.
xxvi. Constitution Benches and their frequent changes.
xxvii. Indiscriminate closure of courts.
xxviii. Appointment of sitting judges as Commissions of Inquiry.
xxix. Printing of Paper Book in Criminal matters.